

REMARKS**Claim Amendments**

Claims 2-5, 7-8, and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants accordingly have amended independent claims 1, 6, and 11 to include respectively the allowable subject matter of claims 2, 6, and 12. Dependent claims 2, 6, and 12 have been canceled to remove the following claim language which now appears, in various forms, in independent claims 1, 6, and 11:

...wherein the predetermined algorithm is dedicated to a particular tertiary relationship, and the predetermined algorithm comprises the further steps of:

finding a registry record bearing a set point for the particular tertiary relationship;

reading a sensor value of the particular tertiary relationship;

comparing the set point and the sensor value, wherein the comparing produces a comparison result;

finding, in dependence upon the comparison result, a registry record having an identified capability appropriate to the comparison result for the particular tertiary relationship;

effecting the capability identified in the found registry record.

Due to the change in the independent claims and the cancellation of claims 2, 6, and 12 dependent claims 3-4, 8-9, and 13-14 have also been amended to reflect correct dependency.

Each dependent claim includes all of the limitations of the independent claim from which it depends. Claims 3-6 depend from independent claim 1. Claims 8-10 depend from independent claim 7. Claims 13-15 depend from independent claim 11. Because each dependent claim includes all the limitations of the independent claim from which it depends and the independent claims as currently amended include allowable subject matter, the dependent claims 3-6, 8-10, 13-15 include the same allowable subject matter. Applicants submit that these amendments therefore place all claims of the present application in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-6, 8-11, and 13-15 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Irani, *et al.* (U.S. Patent No. 6,993,570) (hereafter ‘Irani’) in view of Campbell, *et al.* (U.S. Patent No. 6,920,615) (hereafter ‘Campbell’). To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of the claim limitations of claims 1, 3-6, 8-11, and 13-15. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). The Office Action admits that the proposed combination does not disclose the claim limitations recited in claims 2-5, 7-8, and 12-15. As explained above, independent claims 1, 6, and 11 have been amended to include the allowable subject matter of claims 2, 7, and 12 respectively. Dependent claims 3-5, 8-10, and 13-15 include all the limitations of the independent claims from which they depend, including the allowable subject matter now moved into the independent claims by amendment. The proposed combination of Irani and Campbell, therefore, does not disclose or suggest each and every element and limitation recited in the claims of the present application and therefore does not render obvious the claims of the present application.

Conclusion

Claims 1, 6, and 11 have been amended to include the allowable subject matter recited in Applicants’ original claims 2, 7, and 11. Applicants submit that claims of the present

application, as currently amended, are in condition for allowance and respectfully request reconsideration of claims 1, 3-6, 8-11, and 13-15.

Claims 1, 3-6, 8-11, and 13-15 stand rejected under 35 U.S.C. § 103 as being unpatentable over the proposed combination of Irani and Campbell. Applicants submit that the amendments of the claims 1, 6, and 11 cure the rejections of claims 1, 3-6, 8-11, and 13-15 under 35 U.S.C. § 103. Claims 1, 3-6, 8-11, and 13-15 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1, 3-6, 8-11, and 13-15.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

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By:

Respectfully submitted,



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